



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-PP----

Christen M. Anderson et al.

Application No.

09/811,094

Filed

March 14, 2001

Date of Allowance

October 5, 2004

For

PRODUCTION OF ADENINE NUCLEOTIDE

TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND

SCREENING ASSAYS THEREFOR

Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Date

January 4, 2005

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## PETITION TO CORRECT INVENTORSHIP OF PATENT APPLICATION PURSUANT TO 37 CFR § 1.48 (a)

#### Commissioner for Patents:

Applicants hereby respectfully petition, pursuant to 37 CFR § 1.48(a), that the inventorship of the above-identified patent application be corrected to add the following inventor:

Amy K. Carroll

and to **delete** the following inventors:

Scott W. Miller, Tomas R. Szabo, Soumitra S. Ghosh, Walter H. Moos and Yazhong Pei.

The inventorship error occurred without deceptive intent on the part of the inventors. Submitted herewith are:

(1) Statements by Amy K. Carroll, Scott W. Miller, Tomas R. Szabo, Soumitra S. Ghosh, Walter H. Moos and Yazhong Pei regarding the inventorship error pursuant to 37 CFR § 1.48(a)(2);

01/10/2005 SMINASS2 00000045 09811094

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130.00 OP

Patent Application No. 09/811,094 Petition to Correct Inventorship

- (2) Declarations executed by Christen M. Anderson, Robert E. Davis, William Clevenger, Sandra Eileen Wiley and Amy K. Carroll pursuant to 37 CFR § 1.48(a)(3);
- the requisite processing fee under 37 CFR § 1.17(i) of \$130;
- (4) Consent of Assignee to Correct Inventorship under 37 CFR § 1.48(a)(5);
- (5) Statement Under 37 CFR 3.73(b).

It is hereby acknowledged that the deleted inventors' invention is no longer being claimed in the above-identified application. The correct inventorship is as follows: Christen M. Anderson, Robert E. Davis, William Clevenger, Sandra Eileen Wiley and Amy K. Carroll.

Enclosed is the requisite fee of \$130. The Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC

mæ Joanne Rosole

Mae Joanne Rosok

Registration No. 48,903

SJR:kw

Enclosures:
Statements (6)
Declarations (5)
Consent of Assignee
Statement Under 37 CFR 3.73(b)

701 Fifth Avenue, Suite 6300 Seattle, Washington 98104-7092 (206) 622-4900 Fav. (206) 682-6031

Fax: (206) 682-6031

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### **TRANSMITTAL FORM**

(To be used for all correspondence after initial filing)

Application Number	09/811,094
Filing Date	March 14, 2001
First Named Inventor	Christen M. Anderson
Date of Allowance	October 5, 2004
Examiner Name	Holly G. Schnizer
Attorney Docket No.	660088.420D4

	E	ENCLOSURES (check all ti	hat apply)		
Fee Transmitta Fee Attach Amendment/Re After Final After Final Affidavits/d Extension of Til Express Aband Request Information Dis Statement; Foral Cited Reference Certified Copy Document(s) Response to M under 37 C.F.R	I Form ed esponse leclaration(s) me Request conment closure m PTO-1449 es of Priority issing Parts . 1.52 or 1.53 issing	□ Drawing(s) □ Request for Corrected Receipt □ Licensing-related Paper Petition to Correct Inventorship □ Petition to Convert to a Provisional Application □ Power of Attorney, Revocation, Change of Correspondence Address	Filing  Frs  Frs  Frs  Frs  Frs  Frs  Frs  Fr	A B Ir A (// B S S ic C PTOL Stater Conse	inter Allowance communication to TC inppeal Communication to coard of Appeals and interferences inppeal Communication to TC interferences inppeal Notice, Brief, Reply strief) irroprietary Information intatus Letter iteturn Receipt Postcard other Enclosure(s) (please itentify below): -85 (+ copy); Initial ADS; inents of Inventors (6); ient of Assignee to Correct itership
Remarks			•		,
	SIGNATU	RE OF APPLICANT, ATTO	RNEY. OF	RAGI	ENT
Firm Name		tual Property Law Group PL			Customer Number 00500
Signature	marko	onne Rosak			
Printed Name	Mae Joanne I				
Date	January 5, 2005 Reg.		Reg. No.		48,903
CERTIFICATE OF TRANSMISSION/MAILING					
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.					
Signature **via Express Mail**					
Typed or printed na	ame			Date:	
		he information is required to obtain or retain a beand 37 CFR 1.11 and 1.14. This collection is est			

application. Contidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. C:\NrPortb\Nanage\KARENWILL\546512\_1.DOC

#### EXPRESS MAIL NO. EV 335611139US

Approved for use through 7/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE **Under 37 CFR 1.17(i)** TRANSMITTAL

(Fees are subject to annual revision)

Application Number 09/811.094 March 14, 2001 Filing Date First Named Inventor Christen M. Anderson Date of Allowance October 5, 2004 Examiner Name Holly G. Schnizer Attorney Docket Number 660088.420D4

Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

### Enclosed is a paper filed under 37 CFR 1.48(a) that requires a processing fee (37 CFR 1.17(i)). Payment of \$130 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g), or (h), see form PTO/SB/17p.

Daym.	ant of	Food	/amall a		amounts are	NOT	aveileble.	for the	notition	facel
Pavm	ent of	rees	(smail e	intity .	amounts are	NOL	available	tor the	petition	tees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-1090: processing fee under 37 CFR 1.17(i) any deficiency of fees and credit of any overpayments. Enclose a duplicate copy of this form for fee processing.
- Check including the amount of \$130 is enclosed.
- П Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

### Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all, Except for § 1.221 papers (Fee Code 1803)

For papers filed under

- § 1.28(c)(3) for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 for correcting inventorship, except in provisional applications.
- § 1.52(d) for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 for entry of late priority papers.
- § 1.99(e) for processing a belated submission under § 1.99.
- § 1.103(b) for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) for requesting deferred examination of an application.
- § 1.217 for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 for requesting voluntary publication or republication of an application. Fee Code 1803
- § 1.291(c)(5) for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 for a patent to issue to assignee, assignment submitted after payment of the issue fee.

mar Joanne Rosak	January 5, 2005
Signature	Date
Mae Joanne Rosok	48,903
Typed or printed name	Registration No.

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. C:\NrPortbl\iManage\KARENWILL\546540\_1.DOC

### EXPRESS MAIL NO. EV 335611139US





**PATENT** 

### N THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

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March 14, 2001

For

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT),

NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR

Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF AMY K. CARROLL UNDER 37 C.F.R. § 1.48

### I, Amy K. Carroll, hereby declare as follows:

- 1. I, Amy K. Carroll, am a joint inventor of the above-identified patent application.
- 2. The inventorship error, which mistakenly omitted me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this May of November, 2004.

Amy K. Carroll

County of San Diego
) ss.

State of California

I certify that I know or have satisfactory evidence that Amy K. Carroll is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated November 17, 2004

Signature of Notary Public

Printed Name // Usa Clan,

(660088.420D4)

#526,322



**PATENT** 



### I THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

09/811,094

Filed

March 14, 2001

For

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT),

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Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF SCOTT W. MILLER UNDER 37 C.F.R. § 1.48

I, Scott W. Miller, hereby declare as follows:

- 1. The inventorship error, which mistakenly added me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 2. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 23 day of December; 2004.

Scott W. Miller

County of Pab Alto ) ss.

State of Jowa )

I certify that I know or have satisfactory evidence that Scott W. Miller is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be he free and voluntary act for the uses and purposes mentioned in the instrument.

SUSAN RUPPERT

NOTARIAL SEAL - STATE OF IOWA

COMMISSION NUMBER 157163

YOOMMISSION EXPIRES 8-205

Dated \_\_\_\_ \2, 23-04

Signature of Notary Public

Printed Name

SJR:kw

#526,346

**PATENT** 



### THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

09/811,094

Filed

March 14, 2001

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Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF TOMAS R. SZABO UNDER 37 C.F.R. § 1.48

- I, Tomas R. Szabo, hereby declare as follows:
- 1. The inventorship error, which mistakenly added me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 2. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 1	16th day of De	cember, 2004.	
		Aras Sax	
		Tomas R. Szabo	
County of San Diego	)		
State of California	) ss. )		
I certify that	I know or have	satisfactory evidence that Tomas R. Szabo	is t

I certify that I know or have satisfactory evidence that Tomas R. Szabo is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be he free and voluntary act for the uses and purposes mentioned in the instrument.

Dated	1-16-04	
Signature of	1 01hh	
Notary Public	(ell)	<b></b>
Printed Name	Cecilia Hisert	w

SJR:kw

#526,354

CECILIA HUERTA
COMM. # 1350542
NOTARY PUBLIC • CALIFORNIA
SAN DIEGO COUNTY
COMM. Exp. APRIL 9, 2006

**PATENT** 



### THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

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Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF SOUMITRA S. GHOSH UNDER 37 C.F.R. § 1.48

### I, Soumitra S. Ghosh, hereby declare as follows:

- 1. The inventorship error, which mistakenly added me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 2. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this _	$3^{1}$ day of _	Kovenber, 2004.
		Soumitra S. Ghosh
County of San Diego	)	
State of California	) ss.	

I certify that I know or have satisfactory evidence that Soumitra S. Ghosh is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be he free and voluntary act for the uses and purposes mentioned in the instrument.

Dated	3-04	
Signature of Notary Public	Donna G.	Friest
Printed Name	Donna G.	<u>_</u>

SJR:kw

#526,356



**PATENT** 



### N THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

09/811,094

Filed

March 14, 2001

For

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT),

NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR

Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF WALTER H. MOOS UNDER 37 C.F.R. § 1.48

### I, Walter H. Moos, hereby declare as follows:

- 1. The inventorship error, which mistakenly added me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 2. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this _	day of NOVEMBER, 2004.
	Allen
	Walter H. Moos
County of Alameda	)
State of California	) ss. )

I certify that I know or have satisfactory evidence that Walter H. Moos is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be he free and voluntary act for the uses and purposes mentioned in the instrument.

Signature of Notary Public Walls

Printed Name Dena Walls

SJR:kw

#526,360\_2

DENA WALLS
Commission # 1492302
Notary Public - California
Contra Costa County
My Comm. Expires May 28, 2008

### EXPRESS MAIL NO. EV 335611139US





### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

09/811,094

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Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT OF YAZHONG PEI UNDER 37 C.F.R. § 1.48

- I, Yazhong Pei, hereby declare as follows:
- 1. The inventorship error, which mistakenly added me as a joint inventor in the above-identified patent application, occurred without deceptive intent on my part.
- 2. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

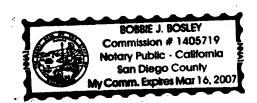
I certify that I know or have satisfactory evidence that Yazhong Pei is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be he free and voluntary act for the uses and purposes mentioned in the instrument.

Signature of Notary Public Bobbie & Bosley

Printed Name Bobbie & Bosley

SJR:kw

#526,360



oped to the through X031/2002. OMB 0651-0032. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE. Under the the trade Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### **DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	PRODUCTION OF ADENING	NE NUCLEOTIDE T	RANSLOCATOR			
	(ANT), NOVEL ANT LIGAN	IDS AND SCREENI	NG ASSAYS THEREFOR			
As the below name	ed inventor(s), I/we declare that:					
This declaration is	directed to:					
The a	attached application, or					
🛛 Appli	cation No. <u>09/811,094,</u> filed on <u>Marc</u>	<u>h 14, 2001,</u>				
X as	s amended on <u>December 4, 2003 an</u>	<u>d June 28, 2004</u> (if ap	plicable);			
I/we believe that I/ which a patent is s	we am/are the original and first inve ought;	ntor(s) of the subject	matter which is claimed and for			
I/we have reviewed amended by any a	d and understand the contents of the mendment specifically referred to ab	e above-identified app ove;	lication, including the claims, as			
known to me/us to which became ava	I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and					
All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.						
FULL NAME OF IN	IVENTOR(S)					
Inventor one:	Christen M. Anderson	Citizen of:	US			
Signature:	Utsh Ilm	Date:	Nov. 4, 2004			
Inventor two:	Robert E. Davis	Citizen of:	US			
Signature:		Date:	· · · · · · · · · · · · · · · · · · ·			
Inventor three:	William Clevenger	Citizen of:	US			
Signature:		Date:				
Inventor four:	Sandra Eileen Wiley	Citizen of:	US			

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Additional inventors are being named on 1 additional form(s) attached hereto.

Date:

Signature:

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page <u>2</u> of <u>2</u>

FULL NAME OF INVENTOR(S)					
Inventor five	Amy K. Carroll	Citizen of:	US		
Signature:		Date:	·		
Inventor six		Citizen of:			
Signature:		Date:			
Inventor seven		Citizen of:			
Signature:		Date:			
Inventor eight		Citizen of:			
Signature:	•	Date:			
Additional inventors or a legal representative are being named on additional form(s) attached hereto.					

660088.420D4

#526243

pproved for use through 10/31/2002. OMB 0531-0032. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE. Under the Paperwork Reduction Act of 1907/10 persons are required to respond to a collection of information unless it displays a valid OMB control number.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

	Y,	<u> </u>	·			
Title of Invention	PRODUCTION OF ADENINE NUC (ANT), NOVEL ANT LIGANDS AN					
	inventor(s), I/we declare that:		-			
This declaration is dire						
	sched application, or					
🛛 Applicat	ion No. <u>09/811,094,</u> filed on <u>March 14, 20</u>	<u>01,</u>				
🗓 as a	mended on December 4, 2003 and June 2	28, 2004 (if ap	oplicable);			
I/we believe that I/we which a patent is sough	am/are the original and first inventor(s) oght;	of the subject	matter which is claimed and for			
	nd understand the contents of the above- indment specifically referred to above;	identified app	lication, including the claims, as			
known to me/us to be which became availal	I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and					
All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.						
FULL NAME OF INVE	ENTOR(S)					
Inventor one: Cl	hristen M. Anderson	Citizen of:	US			
Signature:		Date:				
Inventor two: Re	obert E. Davis	Citizen of:	US			
Signature:	deut E DAVIS	Date:	11/04/04			
Inventor three: W	illiam Clevenger	Citizen of:	US			
Signature:		Date:				
Inventor four: Sa	andra Eileen Wiley	Citizen of:	US			
Signature:		Date:				

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Additional inventors are being named on 1 additional form(s) attached hereto.

# DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page <u>2</u> of <u>2</u>

FULL NAME OF I	NVENTOR(S)		
Inventor five	Amy K. Carroll	Citizen of:	US
Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	
Inventor six		Citizen of:	
Signature:		Date:	
Inventor seven		Citizen of:	
Signature:		Date:	
Inventor eight		Citizen of:	
Signature:		Date:	
Additional in	ventors or a legal representation	ve are being named on addition	onal form(s) attached hereto.

660088.420D4

#526243

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TRIFFO DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION

SING AN APPLICATION DATA SHEET (37 CFR 1.76) Title of Invention PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR As the below named inventor(s), I/we declare that: This declaration is directed to: The attached application, or Application No. 09/811,094, filed on March 14, 2001, as amended on <u>December 4, 2003 and June 28, 2004</u> (if applicable); I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought; I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above; I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon. **FULL NAME OF INVENTOR(S)** Inventor one: Christen M. Anderson Citizen of: US Signature: Date: Inventor two: Robert E. Davis Citizen of: US Signature: Date: Inventor three: William Clevenger Citizen of: US Signature: Date: Inventor four: Sandra Eileen Wiley Citizen of: US Signature: Date:

Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page <u>2</u> of <u>2</u>

FULL NAME OF I	NVENTOR(S)		
Inventor five	Amy K. Carroll	Citizen of:	US
Signature:		Date:	
Inventor six		Citizen of:	
Signature:		Date:	
Inventor seven		Citizen of:	
Signature:		Date:	
Inventor eight		Citizen of:	
Signature:		Date:	
Additional inventors or a legal representative are being named on additional form(s) attached hereto.			

660088.420D4

#526243

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### DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION **USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Title The Tipy
----------------

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
- Application No. 09/811,094, filed on March 14, 2001,
  - as amended on December 4, 2003 and June 28, 2004 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF	INVENTOR(S)		
Inventor one:	Christen M. Anderson	Citizen of:	US
Signature:		Date:	
Inventor two:	Robert E. Davis	Citizen of:	US
Signature:		Date:	<del></del>
Inventor three:	William Clevenger	Citizen of:	US
Signature:		Date:	
Inventor four:	Sandra Eileen Wiley	Citizen of:	US
Signature:	Sandra Eileen Wiley	Date:	Nov 4, 2004

Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of Information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

## ADDITIONAL INVENTOR(S) Supplemental Sheet

Page <u>2</u> of <u>2</u>

FULL NAME OF INVENTOR(S)			
Inventor five	Amy K. Carroll	Citizen of:	US
Signature:		Date:	
Inventor six		Citizen of:	
Signature:		Date:	<u> </u>
Inventor seven		Citizen of:	
Signature:		Date:	
Inventor eight		Citizen of:	
Signature:		Date:	
Additional inv	rentors or a legal representativ	e are being named on addition	onal form(s) attached hereto.

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR

opy	(ANT), NOVEL ANT LI	GANDS AND SCREEN	ING ASSAYS THEREFOR
As the below nan	ed inventor(s), I/we declare that:		
This declaration is	s directed to:		
The	attached application, or		
<b>☒</b> App	lication No. <u>09/811,094,</u> filed on <u>March 14, 2001,</u>		
<b>X</b> :	as amended on December 4, 200	3 and June 28, 2004 (if ap	oplicable);
I/we believe that which a patent is	l/we am/are the original and first sought;	inventor(s) of the subject	matter which is claimed and for
I/we have review amended by any	ed and understand the contents of amendment specifically referred to	of the above-identified app to above;	lication, including the claims, as
known to me/us which became av	e the duty to disclose to the Ur to be material to patentability a ailable between the filing date of ontinuation-in-part application, if	s defined in 37 CFR 1.56 the prior application and t	including material information
and belief are be willful false stater	ade herein of my/our own knowle lieved to be true, and further the nents and the like are punishable to the validity of the application of	at these statements were e by fine or imprisonment.	made with the knowledge that or both, under 18 U.S.C. 1001.
FULL NAME OF	NVENTOR(S)		
Inventor one:	Christen M. Anderson	Citizen of:	US
Signature:		Date:	
Inventor two:	Robert E. Davis	Citizen of:	US
Signature:		Date:	
Inventor three:	William Clevenger	Citizen of:	US
Signature:		Date:	
Inventor four:	Sandra Eileen Wiley	Citizen of:	US
Signature:		Date:	
X Additional in	ventors are being named on 1 addition	onal form(s) attached hereto	

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page <u>2</u> of <u>2</u>

FULL NAME OF I	NVENTOR(S)		
Inventor five	Amy K. Carroll	Citizen of:	US
Signature:	Capit. Call	Date:	1 Nev 2004
Inventor six		Citizen of:	
Signature:		Date:	
Inventor seven		Citizen of:	
Signature:		Date:	
Inventor eight		Citizen of:	
Signature:		Date:	
Additional in	ventors or a legal representative are being named	d on addition	onal form(s) attached hereto.

660088.420D4

#526243



#### EXPRESS MAIL NO. EV 335611139US

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Christen M. Anderson et al.

Application No.

09/811,094

Filed

March 14, 2001

Date of Allowance

October 5, 2004

For

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT).

NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR

Examiner

Holly G. Schnizer

Art Unit

1653

Docket No.

: 660088.420D4

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

The undersigned hereby declares that MIGENIX Corp. is the assignee of the above-identified application, as evidenced by the Recordation of Change of Name recorded on October 28, 2004, at Reel Number 015306, Frame Number 0285, and the Assignment recorded on December 30, 2004, at Reel Number 015515 and Frame Number 0092. The undersigned further declares that the subject Assignments have been reviewed and that, to the best of the Assignee's knowledge and belief, full right, title and interest in the above-identified application is in MIGENIX Corp.

MIGENIX Corp. hereby consents to the correction of inventorship of the above-identified application to add Amy K. Carroll as an inventor for the above-identified application, and to delete as inventors Scott W. Miller, Tomas R. Szabo, Soumitra S. Ghosh, Walter H. Moos and Yazhong Pei, as requested in the Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) filed herewith.

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

DATED this () 5 day of January, 2005.

Vice President Research

MIGENIX Corp.

SJR:kw

#526213

**40003** 

#### EXPRESS MAIL NO. EV 335611139US

PTO/SB/96 (09-04)
Approved for use through 07/31/2008. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	STATEMENT UN	IDER 37 CFR 3.73(b)	
Applicant/Patent Owner:	Christen M. Ar	nderson et al.	
Application No./Patent No.:	09/811,094	Filed/issue Dale:	March 14, 2001
			DCATOR (ANT), NOVEL
ANT LIGAND	S AND SCREENIN	IG ASSAYS THEREFO	<u> </u>
<del> * </del>			
MIGENIX C			opposition.
(Name of Assig		, (Type of Assignee	orporation, partnership,
states that it is:		university, (	government agency, etc.)
1. In the assignee of the e	ntire right, title, and		
2. an assignee of less to the extent (by perce	han the entire right	, tille and interest. ship interest is%	•
in the patent application/pa			
		ne patent application/pa	stent identified abovo.
The assignment was	recorded in the Ur	nited States Patent and	Trademark Office at
OR Reel, Frame_	or tor which	a copy thereof is attac	180.
B. A chain of title from to current assignee as a		ne patent application/pa	itent identified above, to the
1. From: Christen M.	Anderson et al.	To:MitoKor	·
		nited States Patent and the copy thereof is atta	
2. From: MitoKor. Inc	<u> </u>	To:MIGENIX C	COTO.
		nited States Patent and In a copy thereof is atta	
3. From: Amy K. Carr		TO MIGENIX C	COTD.
The document was Reel <u>015515</u> , Fram	recorded in the Ui	nited States Patent and this copy thereof is atta	Trademark Office at
Additional document	nts in the chain of t	ille are listed on a sup	elemental sheet.
Caples of assignmen attached.			•
[NOTE: A separate copy (i.e., Division in accordance with 37 MPEP 302.08]	a true copy of the origin CFR Part 3, if the assi	nal assignment document(s)) goment is to be recorded in t	must be submitted to Assignment he records of the USPTO. See
The undersigned (whose tit	le is supplied below	w) is authorized to act o	on behalf of the assignee.
This Ulha	11ll -	OTTH	LIANY DOUT
Signa	ture		Date
Neil Howe	ll. Ph.D. a.	Vice Pr	esident Research
Typed or prin		والمستخربة والمراجع المعاركة	Title
		the state of the s	

<u>e</u> Narasika . This colection of information is required by 37 CFR 3.73(b). The information is required to obtain or relative benefit by the public which is to the (and by the uspro to process) an application. Confidentially is governed by 55 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gethering, preparing, and submitting the completed application from to the USPTO. Three will virty deplanding upon the individual case. Any comments on the amount of time you require to complete this form antire suggestions for popularity, this burden, elected by said to the Chief Information Officer, U.S. Potent and Information Officer, U.S. Potent and Information Officer, U.S. Department of Commerce, P.O. Box 1450, Abstanding, VA 22313-1450.

Docket No. 680028 42604

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### **Application Information**

Application number::

09/811,094

Filing Date::

03/14/01

**Application Type:**:

Regular

Subject Matter::

Utility

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R?::

None

Number of CD disks::

Number of copies of CDs::

Sequence submission?::

Computer Readable Form (CRF)?::

No

Number of copies of CRF::

Title ::

PRODUCTION OF ADENINE NUCLEOTIDE

TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND

**SCREENING ASSAYS THEREFOR** 

**Attorney Docket Number::** 

660088.420D4

Request for Early Publication?::

No

Request for Non-Publication?::

No

Suggested Drawing Figure::

**Total Drawing Sheets::** 

14

Small Entity?::

No

Petition included?::

No

**Petition Type::** 

Licensed U.S. Gov't Agency::

Contract or Grant No::

Secrecy Order in Parent Appl.?::

No

1

•

Initial

### **First Applicant Information**

Applicant Authority Type:: Inventor

Primary Citizenship Country:: US

Status:: Full Capacity

Given Name:: Christen

Middle Name::

Family Name:: Anderson

Name Suffix::

City of Residence:: Encinitas

State or Province of Residence:: CA

Country of Residence:: US

Street of mailing address:: 756 Poinsettia Park South

City of mailing address:: Encinitas

State or Province of mailing address:: CA

Country of mailing address:: US

Postal or Zip Code of mailing address:: 92024

### **Second Applicant Information**

Applicant Authority Type:: Inventor

Primary Citizenship Country:: US

Status:: Full Capacity

Given Name:: Robert

Middle Name::

Family Name:: Davis

Name Suffix::

City of Residence:: San Diego

State or Province of Residence:: CA

Country of Residence:: US

Street of mailing address:: 13272 Glencliff Way

2 Initial 1/5/05

City of mailing address::

San Diego

State or Province of mailing address::

CA

Country of mailing address::

US

Postal or Zip Code of mailing address::

92130

### **Third Applicant Information**

Applicant Authority Type::

Inventor

Primary Citizenship Country::

US

Status::

**Full Capacity** 

Given Name::

William

Middle Name::

Family Name::

Clevenger

Name Suffix::

City of Residence::

Oceanside

State or Province of Residence::

CA

Country of Residence::

US

Street of mailing address::

3544 Windsor Road

City of mailing address::

Oceanside

State or Province of mailing address::

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Country of mailing address::

US

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92056

### **Fourth Applicant Information**

Applicant Authority Type::

Inventor

**Primary Citizenship Country::** 

US

Status::

**Full Capacity** 

Given Name::

Sandra

Middle Name::

Eileen

Family Name::

Wiley

Name Suffix::

City of Residence::

San Diego

State or Province of Residence::

CA

Country of Residence::

US

Street of mailing address::

3195 Galloway Drive

City of mailing address::

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State or Province of mailing address::

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Country of mailing address::

US

Postal or Zip Code of mailing address::

92122

### **Fifth Applicant Information**

Applicant Authority Type::

Inventor

Primary Citizenship Country::

US

Status::

Full Capacity

Given Name::

Amy

Middle Name::

K

Family Name::

Carroll

Name Suffix::

City of Residence::

San Diego

State or Province of Residence::

CA

Country of Residence::

US

Street of mailing address::

2859 Grandview Street

City of mailing address::

San Diego

State or Province of mailing address::

CA

Country of mailing address::

US

Postal or Zip Code of mailing address::

92121

### **Correspondence Information**

Correspondence Customer Number ::

00500

### Representative Information

Representative Customer Number::		00500
----------------------------------	--	-------

### **Domestic Priority Information**

Application ::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Division of	09/393,441	09/08/99
09/393,441	Continuation-in-part of	09/185,904	11/03/98

5 Initial 1/5/05

### Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

### **Assignee Information**

Assignee name::	MIGENIX Corp.
Street of mailing address::	12780 High Bluff Drive, Suite 210
City of mailing address::	San Diego
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	92130

#526609\_1.DOC [9/19/01]

6 Initial 1/5/05